

~~Performance Standard~~ 5.2 - Contact with Trial Counsel

Appellate or post-conviction counsel shall notify trial counsel that the appellate/post-conviction counsel has been assigned to provide appellate/post-conviction representation to the defendant. Appellate/post-conviction counsel ~~shall~~ should consult with trial counsel in order to assist appellate/post-conviction counsel in consult understanding and presenting the client's issues on appeal or in the post-conviction matter.

In any case in which the appellate or post-conviction counsel shall argue that trial counsel provided ineffective assistance of counsel, appellate/post-conviction counsel shall give notice to the trial counsel of such asserted claim.

*Adapted from: NLADA Standards and Evaluation Design for Appellate Defender Offices (1980), I (J); New Mexico Public Defender Department, Performance Guidelines for Appellate Criminal Defense Representation, Guideline 2.4 (as set forth in the Compendium of Standards for Indigent Defense Systems, Vol. 2 (Dec. 2000)).*